

Notice of Allowability	Application No.	Applicant(s)	
	10/015,087	DUFFY, LEONARD ARNOLD	
	Examiner	Art Unit	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/22/2007.
2. ☒ The allowed claim(s) is/are 1-5, 7-11, 31, 32, 48, 50, 62-66, 12-16, 18-23, 52, 25-30, 44-46, 61, 47, 60, 33, 34; renumbered 1-45, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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The following is an examiner's statement of reasons for allowance: Duffy (US 5983467; figures 1-8) is the closest art of record and teaches a two-part slidingly engageable fastener operable upon application of a relative shearing force. In regard to claims 1, Duffy fails to teach the subject matter of lines 9-26 as reproduced below:

a second portion, for slidingly engaging with said first portion upon application of a relative shearing force with respect to said first and second portions, said second portion including:

a second base having a plurality of fenestrations and a second basal surface, said second base continuous between said fenestrations to stem segments, each said stem segment extending away from said second basal surface to the top surface of an island spaced from said second basal surface, each said island having a segmented edge comprising a plurality of second undercut segments, each said second undercut segment extending away from a sidewall of an adjacent said stem segment, so as to overhang at least part of a corresponding said fenestration;

wherein said undercut segments associated with each said island are separated by intervening said stem segments and include undersides spaced from said second basal surface, and wherein edges of said undercut segments are oblique to the edges of said undercut segments associated with adjacent said islands, and further wherein

said sidewalls and undersides are configured to provide a generally tapered aperture for progressively receiving adjacent pairs of said first undercut segments between said sidewalls, said undersides, and the plane of said second basal surface, so as to connect and interlock said first portion with said second portion upon application of said relative shearing force.

There is no suggestion in the art of record to modify the device of Duffy to have such structure in combination as it provides a very different structure with different functional characteristics.

As to claim 12, Duffy fails to teach the subject matter of lines 5-25 as reproduced below:

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and a second portion comprising:

a plurality of second islands each including:

a top surface with a segmented edge,

a plurality of undercut segments with undersides

extending to said segmented edge,

and a plurality of stem segments located between
said undercut segments;

and a fenestrated second base structure which includes:

a basal surface and a plurality of fenestrations,

with sectors of said second base structure extending
between said fenestrations and connecting with said
stem segments;

wherein said stem segments extend away from said basal surface to said top

surface, and said undercut segments are spaced from said basal surface and extend
away from sidewalls of said stem segments so as to overhang corresponding said
fenestrations;

and further wherein said sidewalls of said stem segments and said undersides of
said undercut segments effect a plurality of generally tapered apertures between
said undersides and the plane of said basal surface for progressively receiving and
slidingly engaging with said at least one first island upon application of said
relative shearing force.

There is no suggestion in the art of record to modify the device of Duffy to have such
structure in combination as it provides a very different structure with different functional
characteristics.

In regard to claim 33, Duffy fails to teach the subject matter of lines 3-13 as reproduced
below:

a base having a plurality of fenestrations and a basal surface; and
a plurality of second islands, each said second island comprising a plurality of
undercut segments spaced from said basal surface and overhanging
corresponding fenestrations, said undercut segments separated by stem
segments so as to effect an island top surface with a segmented edge attached
to said base by said stem segments;

thereby defining a plurality of apertures for receiving said plurality of first islands, each of said plurality of second islands including at least three undercut segments spaced from one another, wherein said undercut segments are aligned in a direction perpendicular to said basal surface with at least part of ones of said fenestrations.

There is no suggestion in the art of record to modify the device of Duffy to have such structure in combination as it provides a very different structure with different functional characteristics.

As to claim 34, the reasons for allowance provided by applicant in the response received February 22, 2007 on page 17, lines 9-11 are incorporated herein as the reasons for allowance.

Claims 1, 12 and 33 are allowable. Claims 3-5, 7-11, 15, 16, 18-23, 25-32, 45, 46, 52 and 61, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement among the inventions of Species I through VII, as set forth in the Office action mailed on September 9, 2004, is hereby withdrawn** and claim 3-5, 7-11, 15, 16, 18-23, 25-32, 45, 46, 52 hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.


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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James R. Brittain
Primary Examiner
Art Unit 3677

JRB